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UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF NEW YORK

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Chapter 11

In re

Case No. 25-41368 (JMM)

AVON PLACE LLC

Debtor.

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**MOTION FOR ENTRY OF AN ORDER SCHEDULING A
HEARING ON SHORTENED NOTICE TO CONSIDER EMERGENCY
MOTION OF SECURED CREDITOR 44 AVONWOOD ROAD CREDIT LLC
TO CONVERT THE CASE TO CHAPTER 7**

**TO: THE HONORABLE JIL MAZER-MARINO,
UNITED STATES BANKRUPTCY JUDGE:**

44 Avonwood Road Credit LLC (“Avonwood Credit”) by its attorneys, Thompson Coburn LLP, respectfully submits this motion (the “Motion”) pursuant to the Court’s procedures and local rules seeking the scheduling of an emergency hearing to consider Avonwood Credit’s Emergency Motion to convert the case (the “Emergency Conversion Motion”) filed contemporaneously herewith and, in support thereof, respectfully states:

MOTION

1. For the reasons set forth in the accompanying affirmation, Avonwood Credit requests that the Court schedule the hearing from the Emergency Conversion motion for June 11, 2025 at 10:30 a.m. (ET), the same time as other matters in the case are scheduled.

PRIOR REQUEST

2. Avonwood Credit previously requested via letter that the Court schedule an emergency hearing regarding defaults under the Cash Collateral Order, but the Court has not formally responded to that request, and the present request relates to a newly filed motion.

WHEREFORE, for the foregoing reasons, Avonwood Credit respectfully requests that this Court grant its Motion scheduling the Emergency Conversion Motion, and granting such other relief as may be proper.

Dated: New York, New York
May 30, 2025

THOMPSON COBURN LLP

By: /s/ Joseph Orbach
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EXHIBIT 1

PROPOSED ORDER

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF NEW YORK

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Chapter 11

In re

Case No. 25-41368 (JMM)

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Debtor.

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ORDER SCHEDULING A HEARING ON SHORTENED NOTICE

Upon consideration of the motion dated May 30, 2025 (the “Motion”) of 44 Avonwood Road Credit LLC (“Avonwood Credit”), a secured creditor of the Debtor, by its counsel Thompson Coburn LLP, for entry of an order scheduling a hearing on shortened notice to consider entry of an order: (i) converting this Bankruptcy Case from chapter 11 to chapter 7 of the Bankruptcy Code pursuant to § 1112(b)(4) of the Bankruptcy Code; and (ii) granting such other and further relief as is just and proper (the “Emergency Conversion Motion”), and upon the affirmation of Joseph Orbach pursuant to Local Rule 9077-1; and good and sufficient cause existing to schedule an emergency hearing upon shortened notice to consider the Emergency Conversion Motion it is hereby:

ORDERED, that a hearing on the Emergency Conversion Motion will be held on June 11, 2025 at 10:30 a.m. before the Honorable Jil Mazer-Marino, United States Bankruptcy Judge, United States Bankruptcy Court for the Eastern District of New York, 271-C Cadman Plaza East, Brooklyn, New York 11201-1800; and it is further

ORDERED, that service of the Emergency Conversion Motion shall be sufficient if served by June 2, 2025 by the filing of the documents on the Court’s ECF filing system,

and by emailing copies of the Emergency Conversion Motion to the Debtor's counsel, Chief Restructuring Officer, and to the Office of the U.S. Trustee; and it is further

ORDERED, that objections, if any, to the Emergency Conversion Motion must be in writing and filed with the Bankruptcy Court by June 9, 2025 at 5:00 p.m. through the Court's electronic filing system. Instructions for electronically filing an objection can be found at www.nyeb.uscourts.gov. A copy of the objection must also be emailed, so as to be received by the Objection Deadline, to (i) counsel for Avonwood Credit; and it is further

ORDERED, that the hearing may be held either in person, telephonically, or by video. Those intending to appear at the hearing telephonically or by video must register with eCourt Appearances no later than two days prior to the hearing. The phone number or video link for the hearing will be emailed to those that register with eCourt Appearances in advance of the hearing. Instructions for registering with eCourt Appearances can be found at <https://www.nyeb.uscourts.gov/node/2126>. If you do not have internet access or are otherwise unable to register with eCourt Appearances, you may call or email Judge Mazer-Marino's courtroom deputy for instructions at (347) 394-1844, JMM_Hearings@nyeb.uscourts.gov. The hearing on the Motion may be adjourned without notice other than an announcement in open Court.

Dated: Brooklyn, New York
May __, 2025

UNITED STATES BANKRUPTCY JUDGE
JIL MAZER-MARINO

EXHIBIT 2

Rule 9077-1 Affirmation

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF NEW YORK

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Chapter 11

In re

Case No. 25-41368 (JMM)

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AFFIRMATION PURSUANT TO E.D.N.Y. LBR 9077-1

Joseph Orbach, an attorney duly admitted to practice before the Courts of the State of New York and before this Honorable Court, affirms the following to be true under the penalties of perjury, and states as follows:

1. I am a partner at Thompson Coburn LLP, counsel to secured creditor 44 Avonwood Road Credit LLC (“Avonwood Credit”). I offer this affirmation pursuant to E.D.N.Y. LBR 9077-1 and Rule 9006(c) of the Federal Rules of Bankruptcy Procedure (the “Bankruptcy Rules”) in support of the Avonwood Credit’s motion seeking the entry of an order directing a hearing on shortened notice (the “Motion”).

2. On March 21, 2025, Avon Place LLC (the “Debtor”) filed its voluntary petition for relief before this Court.

3. On April 2, 2025, Avonwood Credit filed its motion for relief from the automatic stay (the “Stay Relief Motion”) [Docket No. 12].

4. On April 4, 2025, the Debtor filed its motion for use of cash collateral (the “Cash Collateral Motion”) [Docket No. 20].

5. On April 23, 2025, Avonwood Credit filed its objection to the Cash Collateral Motion (the “Cash Collateral Objection”) [Docket No. 30].

6. On April 30 and May 1, 2025 the Court held a hearing on the Stay Relief Motion and Cash Collateral Motion.

7. On May 2, 2025, the Court entered a negotiated form of order approving the use of cash collateral and granting Avonwood Credit adequate protection (the “Cash Collateral Order”) [Docket No. 49].

8. The Cash Collateral Order provided, *inter alia*, “upon an Event of Default and email notice to Debtor’s counsel of the occurrence of such Event of Default and the failure of the Debtor to cure such Event of Default within three (3) business days, the Mortgagee may request an emergency hearing before the Court to be scheduled at the earliest date the Court can accommodate the parties for the purpose of confirming the Event of Default and immediately renewing its objection to use of cash collateral and its pending motion for relief from the automatic stay based on its alleged lack of adequate protection as well as the occurrence of the Event of Default.” Cash Collateral Order at pp. 4-5.

9. On May 21, 2025, Avonwood Credit formally notified the Debtor of Events of Default under the Cash Collateral Order.

10. On May 27, 2025, Avonwood Credit filed a letter [Docket No. 54] requesting an emergency hearing based on the Events of Default.

11. On May 29, 2025, the clerk of the Court informed the undersigned that an Emergency Motion was required to seek relief regarding the Debtor’s defaults under the Cash Collateral Order.

12. On May 30, 2025, Avonwood Credit filed its Emergency Motion seeking conversion of the case based (on among other things) the defaults under the Cash Collateral Order.

13. Given that the Cash Collateral Order provides for an emergency hearing upon an Event of Default (as defined therein) and the Court has already scheduled hearings for this matter for June 11, 2025, Avonwood Credit submits that the Court should grant an expedited hearing and approve the relief requested in the a Motion.

Dated: May 30, 2025

Nassau County, New York

/s/ Joseph Orbach